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For the desk of  
Christopher J Novosad

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PTO/SB/21 (09-06)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/691,018	
	Filing Date	10/20/2003	
	First Named Inventor	Warren Charles Bodeker	
	Art Unit	3871	
	Examiner Name	Christopher J Novosad	
Total Number of Pages in This Submission	5	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): A new "Title of Invention" and a new Claim, #19 and Remarks
Remarks Enclosed: There are three pages of remarks. One "Title of Invention" and Claims		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<i>Warren Charles Bodeker</i>		
Printed name	Warren Charles Bodeker		
Date	11/09/2006	Reg. No.	

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Warren Charles Bodeker</i>		
Typed or printed name	Warren Charles Bodeker	Date	11/09/2006

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## REMARKS

Application No

10/691.018

Examiner

Christopher J Novosad

Applicant

Bodeker Warren Charles

Art Unit

3671

Dear Mr Novosad.

This being Nov. 6 2006 In answer to your Office Action Summery Dated Aug. 17 2006. In your response to my communications filed on 01 February 2006 I find that you referenced Art Unit 3641 That number is incorrect, it should be 3671. I don't know if that played any part in your findings and actions taken?

Sorry for taking so long to respond, as I explained on the phone my wife was diagnosed with stage 4 Cancer and we have been very involved.

In regards to your reply "Office Action Summery" dated August 17, 2006 , page 2, Specifications, "The title of the invention is not descriptive". On 01/22/2004 Robert Eric Pezzuto , billed me an additional \$387 for 9 independent claims over 3, with 12 total claims, then on June 12, 2004 under 35 U.S.C. 112 all 12 claims were rejected, if the claims are not considered why the additional charge?. Then Under "Specification", The title of the Invention is not descriptive. "Weedevader," means you evade Weeds. Then as of 12/09/2004 a final rejection of claims 1-16 and the new name "Cultivator Disk Attachment," were rejected. Then on 01/11/2005, I sent a (RCE) with required fee, and a improperly designated claim. This was followed by a rejection of claim 17 and the new title (Cultivator Disk Attachment) as not descriptive enough. Mr. Pessuto suggested the following title "Tilling and Weeding Device". then on 05/11/2005, I submitted the new name as suggested, along with claim 18. Then on 07/15/2005, You Mr. Novosod sent a non-compliant document, which I understand and have no complaint with. Then I sent a amendment on 08/03/05 and again I was incorrect and received notice

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thereof mailed by you on 11/10/2005, I faxed a amendment/reply on 11/28/2005 with the new title "TILLING AND WEEDING DEVICE" and a (new) Claim. 18. Again I didn't follow correct procedures so I received another non-compliant notice, I faxed a reply on 02/01/2006 and received a FINAL action notice from you dated 08/17/2006, again stating that the "title to the invention is not descriptive," That I do not understand, how many titles do I have to come up with?? That and "anticipated." Study the formerly anticipated inventions that have been issued patents. I do not think I am the only one confused, in regard to the terminology used in the issuing of patents.

I am submitting another new title and another (new) claim.#19

I feel that I have a legitimate right to issuance of a patent for my invention and or improvements made, All previous patents issued on similar designs, all former patents were anticipated by some one formerly given a patent. Why is my improvements being denied?

References Quoted are from the book "PATENTS AND HOW TO GET ONE" Page 5. 1<sup>st</sup> Paragraph line 10 and 11, "The office aids and encourages innovation." Page 5 second paragraph lines 2 and 3, "Grants patents on inventions when applicants are entitled to them".

I believe my new and improved designed Disc, is far superior to all others, It is designed to float on the soil surface, Designed not to dig deep in the soil surface, Designed not to bringing up new weed seed to the light and growth. Designed not to kill the worms near the surface. Designed not to destroying the new root growth near the plants. Designed for Safety, and its "innovation" warrants a patent.

In regard to page 5 , paragraph 1 --lines 10 and 11 "Aids and encourages innovation" I have found the opposite in regards to my application. I had not looked at any patents previously to working out and building a proto, of my idea.

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It being a tool to eliminate most of the labor and weeds in regard to gardening. After building and successfully testing my idea (tool, Disc). I applied for a patent, and in researching previous issued patents, I found tools of similar design, which were so called "anticipated" by former patent holders, yet patents were issued at a later date, to new patent applicants on previously anticipated similar designed tools. I question the so called "anticipation" If my design was anticipated by others, why would anyone build such complicated, Dangerous, Expensively designed tools? Not marketable and barley usable.

I know that it is impossible for you as examiners to ascertain the feasibility of an inventions ability to perform the functions; that the patent application claims, even though the design, drawings and specifications point to its ability to perform the tasks that the patent was granted for. In actuality many patents issued will never function in a marketable manner and manufacturing costs will be too prohibitive for the general public to buy.

Page 10, 4<sup>th</sup> paragraph says and I quote, "The patent law specifies that the subject matter must be "useful". The whole 4<sup>th</sup> paragraph explains the reason for issuing or rejecting a patent application, especially line 4 and 5.

I claim my patent application falls under page 10.- 2<sup>nd</sup> paragraph lines 1 thru 4 especially line 3 page 10 of the practical handbook. "PATENTS AND HOW TO GET ONE"

I don't think "anticipated" by Bond or any one else should enters into any decisions regarding my invention. Like I said if they had anticipated my design (Invention) they would have built it instead of the costly, complicated, dangerous, mostly unusable design they were given patents on.

Respectively Warren C Bodeker